REMARKS

Now in the application are Claims 1-8, of which Claim 1 is independent. The following comments address all stated grounds for rejection and place the presently pending claims, as identified above, in condition for allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,501,950 of Smith, *et al.* (hereinafter "Smith") in view of U.S. Patent No. 6,151,354 of Abbey (hereinafter "Abbey"). Applicant respectfully traverses this rejection based on perfecting a right of priority under 35 U.S.C. § 119.

Applicant contends that a portion of the cited passages from the Smith patent fails to qualify as prior art under 35 U.S.C. § 102 and, hence, fails to qualify as prior art under 35 U.S.C. § 103(a). On April 12, 1999, Applicant filed a claim for convention priority pursuant to 35 U.S.C. § 119, requesting and claiming the benefit of the filing date of the prior foreign application, Great Britain Application No. 9801669.4. Applicant thanks the Examiner for acknowledging receipt of the certified copy of the priority document and thus Applicant's claim for priority under 35 U.S.C. § 119.

Applicant notes the Smith patent is a continuation-in-part of Application No. 08/615,962, filed on March 14, 1996, now U.S. Patent No. 6,014,557 of Morton, et al. (hereinafter "Morton"). The Morton patent is directed to an apparatus and methods for providing wireless system fraud and visibility data. The Smith patent is directed to systems and methods for monitoring data signals on a communication network.

In the Office Action, the Smith patent is cited for teaching or suggesting the steps of assigning, tabulating, and displaying of data link messages recited in independent Claim 1. However, a careful reading of the Smith patent reveals that the cited passages of Smith, relied upon to form the basis for rejecting steps (c), (d), (i), and (d)(ii) of Claim 1 corresponds to new matter added to the parent application (Morton) and therefore does not qualify as prior art. More specifically, column 9, lines 28-35 of Smith are cited for teaching or suggesting steps (c), (d), (i), and (d)(ii) of independent Claim 1. A careful review of those cited passages from the Smith patent reveals the subject matter corresponds to new matter added to the parent application (Morton) and therefore the cited subject matter does not qualify as prior art. The Smith patent, which is a continuation-in-part of Application No. 08/615,962 was filed on August 17, 1998, which is subsequent to the filing date of

Applicant's priority Great Britain Application. Accordingly, the Smith patent in view of the Abbey patent fails to establish a *prima facie* case of obviousness for use in the rejection of Claims 1-8.

Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 1-8 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the remarks set forth above, Applicant contends that Claims 1-8 are presently pending in this application, are patentable, and in condition for allowance. If the Examiner deems there are any remaining issues, we invite the Examiner to call the undersigned at (617) 227-7400.

Respectfully submitted,
LAHIVE & COCKFIELD, LLP

David R. Burns
Registration No. 46,590
Attorney for Applicant

28 State Street
Boston, MA 02109
(617)227-7400
Date: February 23, 2005